FATAWA ON MISCELLANIOUS MATTERS

I. THE DIFFERENT SCHOOLS OF FIQH IN ISLAM

SUBJECT: Why are there different schools of Fiqh?

A question from a sister
I understand that there are different schools of thought: Hanafi, Salafi, Malaki etc. What are the key differences between these schools of thought? Where can I find out more information about each of them?

My Answer:
Dear sister,
Assalamu Alaikum wa Rahmatullahi wa Barakatuh,
Al Hamdu li Allah wa al Salatu wa al Salamu ala Rasuli Allah
There is not really much of differences between these schools of Fiqh. They all take the Qur'an and the Sunnah as their uncontestable sources for finding any ruling of Shari'ah. There are good sources in Arabic about the schools of Fiqh and differences among them. The best source is the series of books by the late Imam Muhammad Abu Zahra on the founders of these schools of Fiqh. There are actually more than four schools of Fiqh, and he has books about the four main schools (Hanafi, Shafi'i, Maliki and Hanbali schools). He also has books about other schools and their founders, including Ibn Hazm. Imam Ja'far al Sadeq, and Ibn Taymiyyah.
The differences in brief are: Abu Hanifah is usually described as the leader of the ra'y (opinion) trend. Ahmed is very much described as a main representative of the Texts trend. That doesn't mean that there are no opinions in the Hanbali School and there is negligence of the Texts in the Hanafi school.
Imam Malik was a leader of combining both ra'y and Texts together. One of his sheikhs was Rabi'ah bin Abd al Rahman, who was known for his scholarship in ra'y. Imam Malik got a lot from this teacher. At the same time, Malik has the first collection of the correct Sayings in his book "al Muwatta'". He was a leader in the Texts trend. In this way he combined both Texts and opinion.
Ash-Shafi'i, although he came before Ahmed (Ahmed was his student), was influenced by the Texts trend from Malik, but differed from Malik on the issue of deepening the opinion trend. In this sense, Ash-Shafi'i was more of a Texts follower than Malik.
Wa Allahu A'lam.
Wassalam,
Dr. Monzer Kahf

II. WOMEN DRESS CODE

SUBJECT: Women dress code and head scarf

From: Islam on line
Name of questioner Sr. Huda Age 15-20

Question
I want to be veiled, but veiled girls receive bad treatment in my university and don't find jobs. That's why my father doesn't agree that I become veiled. I must find a job to help my family and my father. Can I delay veiling till my marriage? My father says that it's not written in Qur'an that girls should cover their hair but only their legs and Juyub. I wear always long and not tight clothes.

My Answer:
Dear Sister Huda
Assalamu Alaikum wa Rahmatullahi wa Barakatuh,
Al Hamdu li Allah wa al Salatu wa al Salamu ala Rasuli Allah,
1) The veil, which means covering the face, is definitely not mentioned in the Qur'an. It is not obligatory upon a Muslim woman (beginning from puberty). It is not ordained in the Sunnah.
2) There is no dispute that covering the face is not required among the four schools of Fiqh, especially in the early time of development of these schools. Only late 'Ulama in some of these schools, especially Hanbali and Shafi'i ('Ulama from the 8th century of Hijrah and later) that started talking about the obligation of covering the face.
3) Covering the hair, all of it, is required along with the rest of the body, except the hands (which includes from the finger tops to the wrist only) and according to the Hanafi, the feet up to the ankles. All these are agreed upon unanimously among all Schools of Fiqh (Sunni and Shi'i).
4) The authority of covering the hair and all the body is derived from both the Qur'an and the Sunnah. The Qur'an mentions that a woman should render the headscarf to cover the upper-point of her chest (this is meaning of the jaib/juyoub that is mentioned in the Qur'an). It also mentions that women should not stamp the ground while walking so that what is <u>hidden</u> of their ankle bracelets would become known to passers by. This clearly indicates that legs up to the ankles have to be covered.
Furthermore, the Qur'an restricts the people who can see a woman uncovered by her immediate male family member as counted in the verse. This also indicates that in presence of other than those mentioned in the verse all the body needs to be covered, except the face that is indicated in the other verse.
Uncovering the face is itself derived from the verse of the scarf. It says that the scarf should be rendered or thrown (walyadribna) on the neck and upper part of the chest rather than pulled down from the head to the neck and chest. Bulling it down makes the scarf cover the face while throwing it means that instead that throwing it to the back you must render it to the neck and upper chest.
Arab women before Islam used to throw behind their back the scarf that covers their heads. The verse calls on them to render it to the front so that it covers the neck and the upper part of the chest.

5) From the Sunnah, the saying is clear and acceptable in its authenticity level that women must cover all their bodies except the face and the hands (up to the wrist).
6) The practice of the companions at the time of the Prophet and after him overwhelmingly indicates that nothing except the face and the hands, and in some narrations of lesser authenticity, the feet were uncovered.
7) Reinventing the wheel in this regard has no room because there is no support from the Qur'an or the Sunnah or the practice of Muslims throughout history to any thing other than only face, hands, and maybe feet may be left uncovered.
There have been women throughout the Islamic history from the time of the Prophet who covered their faces and hands and there was no objection by the Prophet, the companions or 'Ulama to that practice. This means that we cannot condemn covering the face and the hands.
At the same time, there is no authentic report whatsoever that indicates such covering is better, more rewarding or more pious. This also means that the overwhelming exaggeration that is sometimes expressed by some people about the fitna (fear of misbehavior) caused by uncovering the face is not a thing that we need to give serious attention.
8) Finally covering the hair and the rest of the body except for the face and hands has never been a hindrance in finding a job anywhere in the world except what we’ve been hearing over the last few years about harassing women covering their hair in some Muslim countries that adopted anti-Islamic attitudes, such as Kemalism in Turkey and Kemalist imitations in Tunis. Except in such places, there is no harassment caused to women who cover their hair and bodies and I don't think that such covering should stand in the way of your continued education or finding a good job that helps you and your family.

Wa Allahu A'lam.
Wassalam,
Dr. Monzer Kahf

III. UNLAWFUL MONEY AND PROPERTIES

SUBJECT: Welfare Money obtained on the basis of false documents

From: dialogue@islam-online.net
Date: 3/3/2001

Name of Questioner Abdullah	Gender Male	Age 21-30
Education Post Graduate	Date Submitted 2/9/2001	Email
User Ref. No. E9XC5T		

Question:
Many years ago, I lied to the social services and obtained money (social welfare) from the UK government, which lasted for a couple of months. I put the money in my bank account and it has mixed with the money that I am now currently making through Halal

means. I have heard that if non-Halal money mixes with Halal money then it all becomes Haram. IS this true? I feel guilty for taking the money, and want to repay the money. It will be extremely difficult to return the money back to the social services. Is there anyway, in which I can repay the money for example giving it to charity? Or is it permissible to take the money as the government is Kuffar? Once repaying the money will the rest of the money in my bank account become Halal? Please advise. Abdullah

My Answer:
Dear Br. Abdullah
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
Al Hamdu li Allah wa al Salatu wa al Salam ala Rasuli Allah.
1 - Lying is forbidden and it is a great sin. There are exceptions that do not fall within the arena of lying though one may be telling other than the truth, such as if a spouse does not love his/her spouse yet he/she pretends love and claims to the other that he/she loves her/him. Lying is one of the greatest sins ever. When the Prophet, pbuh, was asked whether a believer may happen to steel or commit Zina, his answer was may be, but when he was asked about telling a lie his answer was never.
2 - Acquisition of a property from other by any Shari'ah non-approved means is also forbidden. Properties of all others are prohibited to you except with the owner’s consent or through contracts of exchange, etc. as well known in Shari'ah. Yes, Brother a property that is Haram for you must not remain with you and mixing it with you own properties makes all doubtful "Mal Mashbuh". You are required to give away that property which is not yours.
3 - The remedy of lying is asking Allah for His forgiveness and to make as much as you can of good deed: prayers, Du'a, giving to charity and to Jihad in areas where Muslim land is occupied, helping the poor and needy and the oppressed, supporting the righteous causes anywhere in the world, building mosques, etc.
4 - The Islamic principle for anything that comes under your possession and it is not yours is to give it back to its owner. For instance, money obtained by Shari'ah-incompatible means must be returned to the person from whom it was taken. This principle applies to natural persons as well as to legal entities such as companies and governments.
5 - Inspite of that, a Muslim must not fool, or make a stupid of her/him self. For instance if you happen to have taken money in a Riba-based contract from a conventional bank whose business is to take and give money on Riba, you do not return that Riba money to the bank, you rather give to charity or general Islamic activities.
6 - For Allah's sake do not fool yourself with the British Government. It has illegally taken from Muslims all over the world, in Palestine, India/Pakistan/Bangladesh, the gulf States, East Africa, West Africa, Egypt and Sudan, and other area billions of times the amount you took illegally from it. DO NOT RETURN THAT MONEY TO THE BRITISH GOVERNMENT. AND PLEDGE IT TO YOURSELF THAT YOU DO NOT LIE AGAIN TO ANY BODY EVEN THE BRITISH GOVERNMENT. Give that money and more, if you can, to help the poor and needy and to support other Islamic causes.

Wa Allahu A'lam
Wassalam

Sincerely,
Dr. Monzer Kahf

SUBJECT: What to do with unlawful property (mal Haram)?

From: Islam on line
Sent: January 28, 2003

Name of Questioner	Gender	Age
Education	Date Submitted 1/21/2003	Email
country of Origin	User Ref. No. 7PHVNW	country of Residence

Question
The earning and property of Mr. Muslim is doubtful as his earning/property includes: 1) Salary. 2) Bank accounts. 3) Prizes on Prize bonds and such. 4) Rent of property. 5) Bribery cash or material like PC etc (Without written evidences but based on a statement and incidents causing doubts) Problems with these sources: 1) The salary might be of the job that he acquired through a recommendation. But he is the only available and reliable witness for that. 2) The bank accounts are Riba based and he gains interest on them and this interest is then added to his account, as the case is in practice. 3) As stated, the prize on Prize Bonds, which are not considered legitimate/Halal by Ulama (Scholars of Deen). 4) Rent of the property built through the sources of income mentioned in the 3 points above along with Riba-Based Loan and Halal Loan from others. 5) Some items of property have been acquired through or involve use/misuse of "Resources of State". What is more, that the gifts received owing to status (as perceived by the questioner, because senders receive favors prior to gift or after that legitimate or otherwise, as in this world no one does this only out of sincerity) Question: 1) Can the dependents use these (earnings/gifts) and to what extent/age? 2) Ruling in case of their distribution as property of deceased? 3) Means of correction? Mr. Muslim has fear of Allah and love for Him.

My Answer:
Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Br. Anonymous
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
1- whoever earns, or it comes under her/his possession, any thing as a price of a prohibited work (such as prostitution) or action (such as briberies for government favors) or in exchange for an item that is considered waste in Shari'ah (such as sale of liquor or drugs) must get rid of it by either returning it to the payer (as incase of bribery or theft) or giving it away to Muslim charity (as in the case of sale of liquor to non-Muslims) . This kind of money is Haram (unlawful from Shari'ah point of view).
2- dependents of such a person, while (s)he is alive or after death, are also required to do the same with any item, they know in specific, that it is Haram (e.g.., they know this watch, or this loaf of bread, is stolen or taken as a bribe). If they don't know in specific, it is permissible for them to eat from the provision of the person and to inherit her/him after

death. (S)he is the sinner and they are the winner. The same applies to guest's hospitality, gift receivers, etc.

Wa Allahu A'lam
Wa Alhamdu li Allah Rabbi al 'Alamin
Wassalam
Sincerely,
Dr. Monzer Kahf

IV. MONEY PAID TO TENANT TO VACATE

SUBJECT: Money paid by owner to get renter out (khlow)

From: dialogue@islam-online.net
Date: 3/13/2001
Name of Questioner Abdul Hameed Gender Male Age 46-60
Education Diploma Date Submitted 2/7/2001 Email
country of Origin Palestine User Ref. No. ED9U78 country of Res. Palestine

Question:
Dear Sir, Al Salam Alikom wa Rahmato Allah wa barakatoh, I am Asking about : I am living in a rented House since 1965, (35 years) and the owner of the house dead and her sons live in Egypt, they recently come to ask for their house (According to Jordanian law which is applied in Palestinian territories, the tenant can not be forced to leave the rented house) And I have a house under construction, still in structural shape, and I am in need to complete this house, and in consideration of the economic and political situation we r living in Palestine I can not complete my new house, so I am asking If it is acceptable in Islam to take what is called in Arabic Khlow and in Palestine we call it (khlow rejel) (money given to the tenant to leave the rented house) I am not taking this money because I am greedy, but if the owner dismissed me I will be homeless, so I want money to complete my under-construction home. Please tell me if this is acceptable or not and if not, what is the solution. Thank you so much

My Answer:
Dear Br. Abdul Hameed
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
Al Hamdu li Allah wa al Salatu wa al Salam ala Rasuli Allah.
This kind of khlow was discussed by the OIC Fiqh Academy and Please allow me to translate from Decision No. 31 (6/4) dated 23 Jumada al 'Akhirah 1408 (February 11 1988: An agreement between the owner and renter during the time-term of the contract (before the end of Ijarah) that the renter will surrender his uncontested right to the rest of the period for a given payment by the owner, is permissible because this payment is a compensation from the owner to the renter for surrendering part of the period of his contract. But if such a payment is for surrendering the house to owner after the end of the

period of the rental contract, this khlow is not permissible because the owner has an equivocal right to have his property back.
In your case, the contract period, after all these years become renewable at each time you pay rent, whether monthly, quarterly or yearly. once any period ends and the owner asks for his property, you have to give it back without any khlow rejel, Keeping in mind that the laws of rental properties in Jordan, Syria and Egypt, have several points that really violate the Shari'ah, they also created a mess in social relations and in construction development of rental properties in those countries.
Solution for your case: First depend on Allah Ta'ala, He promised help in the Qur'an, He will make a solution for you if you develop Taqwa in your heart InShaAllah. Second, try the financing of Islamic Banks in Philistine, there are more than one Islamic Bank and remember Islamic banks don't give away their money free, because money is not free as you know. Islamic Banks provide financing in Accordance with Shari'ah compatible contracts. I am sure Allah will help and reward you InShaAllah

Wa Allahu A'lam
Wassalam
Sincerely,
Dr. Monzer Kahf

V. BANKRUPTCY

SUBJECT: Bankruptcy

From: dialogue@islam-online.net
Date: 4/10/2001
Name of Questioner Majid Gender Male Age 31-45
Education Graduate Date Submitted 4/6/2001 Email
country of Origin Iraq User Ref. No. ZJUUPT country of Res. USA

Question:
Nine years ago I claimed bankruptcy through U. S. Court which is allowed for their citizens under their constitution. My attention was to help my family member in Iraq with their situation. It was difficult to repay all the creditors especially when they start calling and sending letters. My situation was unbearable to go through. The court granted me the dismissal with only one creditor which I had paid to settle the case. Others did not ask for recollection and forgave my debts. What is your suggestion since this case has been closed and I asked Allah (sw) to forgive me for my error? Thank You..

My Answer:
Dear Br. Majid
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
Al Hamdu li Allah wa al Salatu wa al Salam ala Rasuli Allah.

If you claim of bankruptcy was false or unsubstantiated with factual evidence, it is an act of Shain (shame) and you must repent and pay back every creditor you deceived. If you were factually under financial stress and you gave priority to fulfilling your responsibility to hungry mouths for whose sustenance you are responsible, you must not feel any wrong doing and whatever judgment you got from the court is fine and good.

Wa Allahu A'lam
Wassalam
Sincerely,
Dr. Monzer Kahf

SUBJECT: declaring bankruptcy

From: Islam on line
Sent: September 25, 2002
Name of Questioner m z Gender Male Age 31-45
Education Graduate Date Submitted 9/7/2002 Email
country of Origin Canada User Ref. No. 1CJKS7 country of Residence

Question
Assalamu Alaikum. I have benefited from your Fatwas and advice. It is a very useful service, please continue and Allah give you barakat in the effort. My question is about some loans one my credit cards. I have borrowed some money on my credit cards in USA. I do not live in USA any more. I want to be able to settle this situation with my creditors, so I won't be held responsible on the Day of Judgment. My creditors have transferred the loans to collection agencies. These agencies are offering me to settle by paying certain percentage of the total debt. I also have a choice of declaring bankruptcy and settle the matter. I am inclined to either make some arrangement to pay as much as i can afford or declare complete bankruptcy. My intention is to fulfill my responsibility according to the law of Allah. My financial situation is not strong. My question is following. What is my option according to the Shari'ah. Should I make an arrangement with the creditors, or should i declare bankruptcy or should I pay the full amount. It is important to note that all three options are legal according to the laws of the country, where i used to live (USA). I am inclined on declaring bankruptcy. Please advice me, since i am worried about the consequences of appearing at the Day of Judgment with a debt on me. Jazzakallah

My Answer:
Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in
Dear Br. m z
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
Declaring bankruptcy that allows you to get away with no payment at all at a time you can settle and pay part of the debt is not permissible in Shari'ah it amounts to a fraud. Settling with the creditors or their collection agents on paying any amount up to the

principals of the loans, i.e., without accumulated interest, is certainly permissible if you can afford that much. Certainly the principal is due on you in this life or in the Life after, regardless of the religion, ethnicity or citizenship of the creditor, and if you can reasonably pay it you MUST. Otherwise settling on any amount you can afford is the second permissible option. Bankruptcy can only be declared if you are really bankrupt in the sense that you cannot pay your debts and have food on the table to survive at the same time.

Wa Allahu A'lam
Wa Alhamdu li Allah Rabbi al 'Alamin
Wassalam
Sincerely,
Dr. Monzer Kahf

VI. COPY RIGHTS

SUBJECT: Putting copy-righted music for free on the web

From: dialogue@islam-online.net
Date: 4/20/2001
Name of Questioner Gerard Gender Male Age 15-20
Education Diploma Date Submitted 4/15/2001 Email
country of Origin Canada User Ref. No. M463QS country of Res. Canada

Question:
Hi, a Muslim friend of mine (sorry, I'm atheist) from Qatar has been making copyrighted music available on his website. What is Islam's stance on violation of intellectual property? Also, he is having problems reconciling his believes with life at an American university. He has been tempted successfully by alcohol, drugs, and other vices. What advice can I give him to help keep him in the faith.

My Answer:
Hi, Dear friend Gerald,
Intellectual property is recognized and protected in the Islamic Law. Islam does not permit theft of such property. At the same time Islam also does not tolerate monopolistic profiteering on the part of owners of intellectual or otherwise properties.
I also really appreciate your concern about your Muslim friend's newly picked up bad practices. It is too bad. Though you may not believe in God, (a thing which I concernedly advice you to reconsider and to think of Heavens and earth, and you, who created all that? I also invite you to read the Qur'an, it is not like other scriptures, it is the Words of God and notice that Islam does not have any illogical contradictions, no clergy, no superstitions, no surrender of one's mind and reason, etc.) I suggest that you remind your friend of the Day of Reckoning and try to have him read the Qur'an, it must help him a lot, tell him to get up in the early morning hour before dawn and read a few verses, just

for 5 minutes, once in a while. Also have some good friends, like you around him most of the time to keep, gently advising him. There is a saying by the Prophet Muhammad that tells that the best preacher of a person is her/his own heart that whenever she/he comes to a door of vice, it tells her/him: don't try to open it, if you do you may enter.....Repentance is always available and God (we like to use the Arabic Proper name Allah because we feel the word has distorted meanings brought in by other religions) always accepts it and helps the repentant to readjust.

Sincerely,
Dr. Monzer Kahf

SUBJECT: Un-coding services to get them free

From: Islam on line
Sent: January 11, 2003

Name of Questioner	Gender	Age
Education	Date Submitted 11/25/2002	Email
country of Origin	User Ref. No. 7W79JH	country of Residence

Question
Assalamu Alaykum, I live in Canada. There are two companies that supply satellite TV services here. None of them carry Al-Jazeera. There is a satellite TV supplier in the USA that does. A co-worker told me that he bought the satellite dish from the USA and he breaks the codes on it to get the channels (this is so easy since a lot of web pages provide those codes). He said the satellite TV supplier from the USA doesn't care if people do that since they aren't allowed to provide their services in Canada anyway. In other words, there is no way to pay them (except that some people give a phony US address and have someone in the States subscribe for them). The only people who aren't happy about this are the two Canadian satellite suppliers (even though they don't give us the option of using them since they don't supply the channels we are interested in). My obvious question is: Can I buy this dish and use it here in Canada to watch Al-Jazeera and other Arabic channels for free or is there anything wrong or immoral about that. Jazakom Allah Khairun,

My Answer:
Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in
Dear Br.
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
It is unfortunate that the service of al Jazeera is not available in Canada. However, the way you mentioned is a form of piracy of private rights of the company and its coded broadcasting. It does not fir the moral standards the Shari'ah inculcate. The retailer who sells the dish doesn't care about your payment of monthly subscription because (s)he got the profit of the dish sold to you and left you with the sin of "un-coding" a private system that is given only for a monthly subscription. Had (s)he sold you a subscription too, the

retailer would get an added profit, in the form of a commission on the subscription. But remember the subscription doesn't go to his/her pocket. Hence, the retailer concession to breaking the code is a concession from a non-owner. It means nothing. I don't think that your viewing these channels with an intruded code is compatible with the Islamic morality. It is wrong.
Wa Allahu A'lam
Wa Alhamdu li Allah Rabbi al 'Alamin
Wassalam
Sincerely,
Dr. Monzer Kahf

VII. ABORTION

SUBJECT: Abortion

From: dialogue@islam-online.net
Date: 5/3/2001
Name of Questioner Mohamed Gender Male Age 21-30
Education Post Graduate Date Submitted 4/24/2001 Email
country of Origin Egypt User Ref. No. 1EL6V1 country of Res. USA

Question:

salmo aleko, dear imam, I got married 5 months ago and my wife is
American and she converted to Islam. Last week she came to me and told me that she is pergnant (one month) and I and she don't have any medical insurance and the delivery (the birth) cost in here (USA) 15000 to $20000. She told I like to have abortion (get the baby out of her) and she said that we will go bankrupt and lose the house if we keep the baby. I don't know what to do. I'm so afraid from God. Please answer me as soon as you can...The baby now is one month in her stomach please send me an e-mail with the answer.....

My Answer:
Dear Br. Mohamed
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
Al Hamdu li Allah wa al Salatu wa al Salam ala Rasuli Allah.
Although the position of Shari'ah on abortion is not as stiff as that of Catholicism and there is no agreement on an absolute prohibition during the first 40 days, or 120 days of pregnancy, this question on hand seems to me to be dealing with a pure material matter that is similar to what is clearly condemned Qur'an (31:17) when it mentions those who kill their children out of fear of poverty.
I think the pure thinking of the cost of delivery that it may run you into bankruptcy is too much of an exaggeration. Allah will help and you must seek means of support, including

government welfare. I don't believe that there is any reason in your case to relax the MAJORITY'S OPINION THAT ABORTION IS PROHIBITED.

Wa Allahu A'lam
Wassalam
Sincerely,
Dr. Monzer Kahf

VIII. BOYCOTTING AMERICAN GOODS

SUBJECT: Boycotting American goods

From: dialogue@islam-online.net
Date: 5/15/2001

Name of Questioner syed	Gender Male	Age 21-30
Education Post Graduate	Date Submitted 4/29/2001	Email
country of Origin India	User Ref. No. 6JXSIQ	country of Res. India

Question:
Dear sir I am working for a software company. Our company purchases some soft wares from USA and such good soft wares are as far as we know available in USA only. In this condition should we have to reject buying soft wares from USA, Since it is enemy of Islamic World Please answer. Thank you.

My Answer:
Dear Br. syed
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
Al Hamdu li Allah wa al Salatu wa al Salam ala Rasuli Allah.
The Fatwa of Shaikh Yusuf al Qaradawi and his prominent colleagues for boycotting the goods imported from the USA is meant to pressure the US economy to the extend that force the American Government to quit its double standard policy towards the Muslim countries in general and the Palestinian issue in specific. It is apparent that the American government needs a lot of pressure to quit the oppressive policy of supporting the aggressors in Palestine.
This Fatwa is not meant to hurt the economies of any poor country/company or any country/company that is friendly to the Palestinian cause of liberation.
If you can do without this software whose only source for import is the USA, do without it, but if it is essentially necessary to your company, buy it and you are not violating the spirit of the Fatwa of His Eminence Shaikh al Qaradawi and his prominent colleagues.

Wa Allahu A'lam
Wassalam
Sincerely,
Dr. Monzer Kahf

SUBJECT: Boycotting American companies that support Israeli Occupation

From: Islam on line
Date: May 28, 2002
Name of Questioner anonymous Gender Female Age 21-30
Education Date Submitted 5/15/2002 Email
country of Origin United States User Ref. No. A3L4BN country of Res. USA

Question
Assalamu Alaikum wa Rahmatu Allah wa Barakatuh, My question is two-fold regarding the boycott of Israeli and American products. I do my best to boycott all American products that support Israel and any Israeli products. However, I am an American so I still have to pay taxes here which I feel negates all my efforts. I can't avoid everything American. Also, my husband and I have been considering moving to an Arab country for his work. Should wanting to stop supporting America be a factor in our decision? Jazak Allah Khair

My Answer:
Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Sr. anonymous Muslimah
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
Boycotting Israeli products is certainly a must for all Muslims including those who live in the United states whether they are American citizens, residents, students or illegal immigrant. The same also applies, to the extent possible for Muslims who live in the part of Palestine that was occupied in 1948 without inflicting harm on themselves or their businesses and without having to violate the prevailing laws. Additionally, Muslims who live in America must also boycott products of companies that gives financial supports to Israel to the extent this is possible without inflicting harm on themselves or their businesses and without having to violate the American laws. They have to avoid paying taxed too to the extent possible without violating the law. More important for Muslim in the United state especially citizens is to be proactive and work from within the system to change the political and military support to Israel in all fronts, voting, demonstrations, support of relief organizations that help the Palestinian people, contacting congress persons and supporting national organizations that that do the same. Should you decide to accept a job offer overseas to use the tax benefit of living abroad may be part of that if your living within the US territories is less useful in other areas of supporting the just struggle of the Palestinian people and other peoples under oppression in India, Chechnya and other areas of the world? The answer depends on which of these two things is more useful to the objective of removing the support of the American government to injustices in such areas.

Wa Allahu A'lam
Wassalam
Sincerely,
Dr. Monzer Kahf

IX. EDUCATION AND ECONOMICS

SUBJECT: Education and economics

From: dialogue@islam-online.net
Date: 8/6/2001
Name of Questioner Rokiah Gender Female Age 21-30
Education Diploma Date Submitted 7/15/2001 Email
country of Origin Malaysia User Ref. No. CNZAKC country of Res. Malaysia

Question:
What is the relationship between education and economics in islamic perspective? and what is it the importance of education in econimics and to mankind....

My Answer:
Dear Sr. siti - rokiah
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
Al Hamdu li Allah wa al Salatu wa al Salam ala Rasuli Allah.
Your question is general and philosophical.
Economics is one of the disciplines we study in any education system. It helps us understand how magnitudes like consumption, investment, income, output, etc., change is a society as a result of changes in other variables such as employment, taxes, exports, imports and the same variables mentioned above. in other words, it helps us understand relationships in an economy. It also helps us understand personal reactions of economic actors or decision makers, including persons, families, and corporations to changes outside and inside them. That is all in the area of the economy, i.e., the individual and collective activities of men and women in utilizing resources for producing goods and services that are used to provide satisfactions to human beings.
On the other hand, we also study the economics of education, that is the field that focus on analyzing the relationships between inputs in education (e.g., Money, professional and non-skilled human hours, time of students and pupils) and the desired output (e.g., learning measured by scores of students and other achievement criteria).
Education enlarges the scope of thinking of human beings, it opens for them new horizons and poses new challenges, It gives them tools for enhancing their knowledge of all what is around them. Some kind of educational areas help them understand the world around them and the purpose of their very existence on earth, this may bring them closer to recognizing the final truth of creation and then recognize the effects and the doing of the Creator, and that is the strongest point of faith that one knows and realize that there is Deity but Allah the Almighty and Ultimate mercy Giver.

Education helps us find ways and means to improve the way we utilize our surroundings, that is technology, so we can always increase the amount of pleasures we extract from them...etc.

Wa Allahu A'lam
Wassalam
Sincerely,
Dr. Monzer Kahf

X. SCHOLARS IN SHARI'AH-FINANCE AREAS

SUBJECT: Shari'ah scholars in finance

From: Live Fatwa on Islam on line, Aug 1, 2001
Name Umar Profession

Question
Assalamu Alaikum,
Can you tell us the names of some of the scholars who are at the forefront of Islamic finance and traditional Islamic studies? Would Justice Taqi Usmani and Sheikh Abu Sattar Abu Ghuddah fit in this category?

Answer
Al Hamdu li Allah was-Salatu wa salaam 'ala Muhammad Rasuli Allah

Certainly Uthmani is one of the forefront scholars on Islamic finance in the contemporary sense. Abdul Sattar Abu Ghuddah (his name is not abu), Muhammad Abdul-Gahfar Ash-Shareef of Kuwait, Dr. Agil Al-Nashmi of Kuwait and Dr. Muhammad Na'im of Jordan; they have both classical Fiqhi training and education. Other scholars in the area include Dr. Muhammad Ali al-Qaradaghi who teaches in Qatar. We have several others who contribute to meetings of the OIC Fiqh Academy and other institutions on issues on Islamic economics and finance such as Dr. Hussein Hammed Hassan of Egypt/Pakistan, Dr. Muhammad Ra'fat Usman of Al-Azhar, Sheikh Abdullah bin Many' of Mecca, and Dr. Nazih Hammad who lives currently in Vancouver, Canada. Most of them work in collaboration with brothers of pure economic backgrounds whop are also involved in research on Islamic finance and economics with good Shari'ah background although it is not the type of formal systemic education. In this category are Dr. Muhammad Ali al Ghari of Jeddah, Muhammad Anas Zarka, who is presently in Kuwait, Umar Hafith or Jeddah and Monzer Kahf.

Wa Allahu A'lam
Wassalam
Sincerely,
Dr. Monzer Kahf

XI. GIFTS TO CHILDREN AND THEIR RECEPROCAL LOVE

SUBJECT: Lack of love to parents

From: Life Fatwa Session on Islam on Line, Feb 5, 2002
Name: H

Question:
Alsalam Alikom
My parents are relatively wealthy, but they do not treat me like my sister and my two brothers because God gave me money and high education with a good position. i got married but they did not spent any thing on my wedding or (Jehaz) because they think I have enough to buy things for my self. This issue really irritates me and sometimes I feel like I don't love them and God will punish me for that, but I can't help it, because I feel they were unfair to me. Will God forgive me if sometimes I have these thoughts about them? And sometimes I feel that I'm not merciful with them?

Answer:
Wa `Alaykum As-Salam Wa Rahmatullah Wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful.
All praise and thanks are due to Allah and peace and blessings be upon His Messenger.
Dear respected person:
The parents are not required in Shari'ah to give their financial support to their well-off children. In fact, well off children are required to take care, through gifts and other things, of their parents even if they were wealthy. Remember that your education and your good position at work, and to a large extent your very existence owes a lot to your parents. If you can get married from your own resources parents are encouraged to provide similar opportunities to your brothers and sisters. Unless you are equal or close to being equal financially, parents are not required to equate their gifts to their children. However, if the children are financially close to each other and none of them needs extra support because of certain circumstances, it is impermissible for parents to gift some of their children on unequal basis (regardless of gender).

Finally I suggest that you resubmit your question to a specialist in social Fiqh.

Allah knows best (Wa Allahu A'lam)
Wassalam
Sincerely,
Dr. Monzer Kahf

XII. BETRAYAL OF TRUST

SUBJECT: Betrayal of trust

From: Islam on line
Date: 1/31/2002
Name of Questioner S Gender Male Age 21-30
Education Graduate Date Submitted 1/28/2002 Email
country of Origin Tunisia User Ref. No. SYG6RU country of Res. U K

Question:
Assalamu Alaykum, I've been entrusted with some money by a brother, which he told me to look after it while he was indisposed (he gave it to me to look after it). He told me to invest it if I find something worth investing in. But recently I've fallen in hard times, and had to borrow some of the money which He entrusted me with, and I'm working to repay it. I need to ask if the money I need to repay includes the gains that I made by investing the money for my self, how much do I have to add the money that I borrowed? And whether it is still called borrowing or stealing when you have money entrusted to you as Amanah, even if you pay it back?

My Answer:
Dear Br. S
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
Al Hamdu li Allah wa al Salatu wa al Salam ala Rasuli Allah.
Brother, you have betrayed the Trust when you used the money for your own business without permission of its owner. Make Istighfar and do not do such a shameful thing again. I assume as I understood from what you said that the trustor did not want you to invest it in your own business. This is one.
Second, if you made a loss the money is guaranteed. And any profit, provided you used it in Halal, that resulted from the investment of that money should be given to the Trustor whom you betrayed, unless willfully s/he gives you part of it. If you invested in Haram, you must return the income to its source and if not available or if it has a Haram practice such as a Riba-based bank, you give the income to general Islamic charity.
Third, if you borrowed it for your consumption use, there is no income or any thing above the principal that must be returned to the trustor.
Finally, you must pay the amount entrusted back and it is called betrayal of trust, (Khiyanatu al Amanah), it is not theft, but close to it.

Wa Allahu A'lam
Wassalam
Sincerely,
Dr. Monzer Kahf

XIII. IS IT LAWFUL TO TAKE WELFARE FROM NON-MUSLIM GOVERNMENTS

SUBJECT: Muslim families who use government welfare

From: Islam on line
Date: February 27, 2002
Name of Questioner Lee | Gender Male | Age 31-45
Education Graduate | Date Submitted 2/2/2002 | Email
country of Origin United States | User Ref. No. Q1TSVH | country of Res.

Question
The other day I was in a local grocery store. I noticed a Muslim man with his wife dressed in the typical Islamic / Middle Eastern clothing. When they paid for their food they used WIC, social assistance. I thought that Allah looked down upon beggars. Additionally do you think that Non Islamic American Tax payers should be burdened by Muslim Men, Women and Children? From what I read, the KORAN, States. "Take not a friend from the disbelievers," but it is apparently okay for Muslims to take our welfare.

My Answer
In the Name of God the Most compassion the Most Merciful
May All Praise and Thanks be to God, the Almighty, The Lord of the Worlds and Peace and Prayers be on His Messenger the Prophet Muhammad and all his Companions and Followers
Dear Br. Lee
Assalamu Alaykum Wa Rahmatullahi Wa Barakatuh
You are correct that the Hand of the giver is better and higher than the hand of the beggar, as the Prophet, pbuh, is reported to have said; and begging is prohibited in the Islamic law unless out of true need. Muslim citizens and residents of the USA live in this country and contribute to enriching its life economically, culturally and religiously too. Like all other citizens and residents they are income earners and tax payers and also recipients of government assistance if they are entitled. If you saw a Muslim family with Middle Eastern facial features and Islamic dress getting government assistance, you must have also seen Muslim families paying taxes and producing in factories and businesses and doctors and professionals, if you happened not to see the others you then need to open your eyes in a better way. Be assured that no Muslim family is going to take your share of government assistance. If you are qualified, go and apply for it and you may probably find the officer who will process your application or approve it Muslim with middle eastern features and may be Islamic dress too, if female. Certainly it is forbidden, in the Islamic Shari'ah (Law) to file false information for getting government assistance that you are not entitled to, and I advice you and all Muslims, and non-Muslims too to avoid doing such a demeaning and forbidden act. But if you are qualified for welfare, Muslim or non-Muslim alike, you have the right to go and take it.
And God Knows Best
Wassalam
Sincerely,
Dr. Monzer Kahf

XIV. JOINING HANDS WITH OTHERS

SUBJECT: Joining trade unions

From: Islam on line
Date: 2/15/2002
Name of Questioner AbdulHameed Gender Male Age 21-30
Education Graduate Date Submitted 2/5/2002 Email
Country of Origin United Kingdom User Ref. No. K7YYM2 Country of Res. U K

Question
Assalamu Alaikum, I work for a very large corporation and I want to know, is it permissible to join a Trade Union in the work place as I have four reservations? (1) Trade unions tend to be very Socialist and i don't want to cooperate in this false Aqeedah. (2) Is it my responsibility to know how they spend the subscription funds, e.g., they will probably give free alcohol at their branch meetings etc (which I have no intention of attending)? (3) Some have said to me it is similar to an insurance policy in that they offer free legal aid etc. in the event of an industrial dispute. (4) Some say it is an issue of Tawakkul one should trust in Allah and not have recourse to groups such as these. The benefit I see in joining is that it gives me access to knowledgeable people of policy/dispute procedures, so I can find out, for example can management make me shave my beard, are they obliged to release me for Jumu'ah, etc.

My Answer,
Bismi Allah al Rahman al Rahim,
Alhamdu li Allah Rabbi al 'Alamin, wa al Salatu wa al Salamu 'Ala Sayyidina Muhammad wa 'Ala 'Alihi wa Sahbihi Ajma'in,
Dear Br. AbdulHameed
Labor Union membership is permissible so is the payment of membership dues. The reason is that a labor union is a legitimate organization that defends the rights of its members and the workers at large. If somebody in the management abuses some of its funds and put them in wrong expenses that is a sin, and may be crime, of the wrong doer alone. As you said you notice that there are benefits from joining your labor union (although certain labor unions are coward to a degree that they do not defend the interest of laborers). To come to the specific points you raised in the question: 1) It doesn't matter whether there are socialists in the Unions or not, because you are cooperating with them on a specific area that is permissible. Their ideologies are their own business; it must not matter to you. 2) Your responsibility is contractual, you vote on what you believe is right and you object to any item in the budget that contains any Haram, (alcohol, Riba, etc) but you don't have to withdraw from the Union if your side of the vote did not win majority. 3) it is not like insurance it only gives power in the face of the usually huge power of the employer(the large company).4) it does not contradict Tawakkul because Tawakkul in our religion requires taking all humanly possible means then depending on

Allah Ta'ala. Depending on Allah Without taking the means contradict the advice of the Prophet Muhammad: Tie the camel then depend on Allah that it may not escape.

Wa Allah u A'lam
Dr. Monzer Kahf

XV. DEBTOR'S AND GUARANTOR'S OBLIGATIONS

SUBJECT: Debtor's and guarantor's obligations

From: Islamic Bank of Brunei
Sent: August 14, 2002 6:42 AM

Question
Assalamu Alaikum,
Dear Brother Monzer, I am Tazmin, Officer working with Islamic Bank of Brunei. It's been quite a while this question in my head. I try to read several journal or article to find solution. Please brother can you help me find the answer according to our religion. What are the obligations of debtors and guarantors in settling their financing. Thank you.

My Answer:
Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in
Dear Br. Taznim
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
The debtor is required to pay the debts in full at the place and on the date specified in the contract. The debtor also carries the cost of executing a payment (such as cost of bank transfer) if any, unless they agree otherwise as it is permissible to agree otherwise. This is clearly covered by the general command of the Qur'an (5: 1).
If the debtor fails to fulfill this obligation, can she/he be charged a delay fine? The principle is no because any pre-agreed on damage compensation becomes interest for the delay no matter how it is calculated, even if it is a lump sum. However, there are two exceptions: 1) The added cost caused by the delay of a payment that includes additional labor and paper word, (you know very often, a default case may be treated manually while regular payments are treated electronically in the system) cost of litigation and lawyers, cost of contacting guarantors, overhead cost. Only the actual cost can be charged and it has to be carefully calculated so that it does not include any cost for the money (interest); and, 2) Any damage caused to the bank which may include actual, not presumed, loss of opportunity and profit. This can be determined by a court or a special contractual arbitrator/tribunal panel/board of arbitrage. What you cannot do is to charge a flat fee that normally exceeds the actual cost caused by default if it is a small amount that makes it certainly below the actual cost it is permissible because this means that creditor forsakes the rest of the cost and only recover this flat part of it. A guarantor has exactly

the same responsibility and it is permissible to demand payment from either of them at the same time or one before the other (you don't have to exhaust the debtor before you reach the guarantor).

Wa Allahu A'lam
Wa Alhamdu li Allahi Rabbi al 'Alamin
Wassalam
Sincerely,
Dr. Monzer Kahf

XVI. PRIVATIZATION AND PROFIT CAPS

SUBJECT: Privatization

From: Islam on line
Sent: May 05, 2002
Name of Questioner obaid Gender Male Age 31-45
Education Graduate Date Submitted 4/19/2002 Email
country of Origin Saudi Arabia User Ref. No. 6WFHYI country of Res. S A

Question
How does Islam view privatization?

My Answer:
Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in
Dear Br. obaid
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
Privatization is permissible. In principle, all businesses must be private, so they can pay Zakah and benefit from the private motivation of profit making. Certainly in privatizing publicly-owned enterprises, there must be prior and prime consideration of the interests of the Ummah, the society, the poor and needy segment of it, and it must be done without corruption and benefits to officials of the governments.
There are certain areas, the Shari'ah does not leave to the private sectors, such as mosques, even though they may be built and financed from private persons, they enter in the domain of Awqaf, that is not owned by any person but left for the benefit of all those who make prayers and mosque stay (I'tikaf). You can't privatize mosques and make their entrance paid for by admission fees!

Wa Allahu A'lam
Wassalam
Sincerely,
Dr. Monzer Kahf

SUBJECT: Limit on profit!

From: Islam on line
Sent: March 04, 2002

Name of Questioner Razan	Gender	Age
Education	Date Submitted 2/8/2002	Email
country of Origin	User Ref. No. ASBL81	country of Residence

Question
Al Salam Alaikum, Firstly, I want to thank you and May God give you success and Ujur from this wonderful service. My question is about selling luxury products. I plan to sell world class designer bags that I buy from abroad and sell to my country where most of these products are not sold. These bags are quite expensive and since I will ship them back home that will also cost me. Nonetheless, these are luxury goods and not necessities. My question is there a limit to how much profit I am allowed to make on each bag. Please don't just tell me "excessive profits" because I don't understand what "excessive" is. Is it 30 percent or 70 percent for example? Please let me know so I can start working on this project and decide on the prices.

My Answer:
Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Sahbihi Ajma'in

Dear Sr. Razan
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
The brief answer: there is no limit on profit. It is only what the market can take. The detail is that any price that is substantially (here again it depends. in expensive items, the margin is usually higher, but it really depends on the market conditions. What is certainly forbidden is when a person whom you charge a give price decides to take you to court because you were way above the market in a sense of "cheating people out of their money." This would be a winning case in Shari'ah should the claim be proven.

Wa Allahu A'lam
Wassalam
Sincerely,
Dr. Monzer Kahf

XVII. PENSION SCHEMES

Subject: Are pension schemes permissible?

From: Islam on line

Sent: September 25, 2002 7:58 AM
Name of Questioner Rezki | Gender Male | Age 31-45
Education High School and Below | Date Submitted 9/7/2002 | Email
country of Origin Algeria | User Ref. No. 3ES5KB | country of Res. UK

Question
Assalamu Alaykum, taking out a Stake-Holder pension scheme or any other kind of pension where you have to contribute certain amount of money for your retirement, is it allowed in Islam?

My Answer:
Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in
Dear Br. Rezki
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
Pension schemes are permitted, both accepting them and offering them. It is sinful and forbidden for the government or company that offer such schemes to invest its money in Riba-based ways. This sin is not transmittable to the pensioners because they have no say in such investment decisions.
Wa Allahu A'lam
Wa Alhamdu li Allah Rabbi al 'Alamin
Wassalam
Sincerely,
Dr. Monzer Kahf